

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MT. JAVED ADVENTURES, LTD.,

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Plaintiffs,

versus

CIVIL ACTION NO. 1:18-CV-519

MT. HAWLEY
INSURANCE COMPANY,

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Defendant.

MEMORANDUM ORDER

The court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration and recommended disposition of case-dispositive motions. On April 7, 2020, Judge Giblin issued a report and recommendation on the defendant's motion for summary judgment. He recommended that the Court grant the motion in part and deny it part.

No party has objected to the magistrate judge's recommendation. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted. The Court ORDERS that the report and recommendation (#19) is ADOPTED.

The Court further ORDERS that the defendant's motion for partial summary judgment (#13) is GRANTED in part and DENIED in part. The Court grants the motion on the plaintiff's extra-contractual and bad faith claims asserted pursuant to the Texas Insurance Code and DTPA as well as the claim for breach of the duty of good faith and fair dealing. Those claims are dismissed, with prejudice.

The motion for summary judgment is denied on the plaintiff's breach of contract cause of action and Texas Insurance Code prompt payment claim as recommended by the magistrate judge. Those claims remain pending.

Signed this date

Apr 27, 2020



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE